

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRIS NEWMAN,

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| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 10/16/07 |

Plaintiff,

-against-

METRO-NORTH COMMUTER RAILROAD
and JONES LANG LaSALLE,

Defendants.

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07 Civ. 5622
ORDER TO SHOW CAUSE

DEBORAH A. BATTS, United States District Judge.

The Court's records indicate that the Complaint in this action was filed on June 13, 2007. The Court's records indicate that Defendants Metro-North Commuter Railroad and Jones Lang LaSalle were served on June 16, 2007. Defendant Metro-North Commuter Railroad Answered the Complaint and Cross-Claimed against Defendant LaSalle on June 29, 2007. To date, Defendant LaSalle has not Answered nor responded to Plaintiff's Complaint nor Defendants Cross-Claim in any other way, and therefore is technically in default.

Accordingly, Plaintiff and Defendant Metro-North Commuter Railroad are hereby ORDERED TO SHOW CAUSE why their causes of action against Defendant LaSalle should not be dismissed for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted").

If Plaintiff and Defendant Metro-North Commuter Railroad fail by November 16, 2007 to either (1) show cause, or (2) move for default judgment against Defendant Jones Lang LaSalle, their causes of action against Defendant LaSalle shall be dismissed for failure to prosecute. The showing of good cause, if any, shall be made by affidavit.

SO ORDERED.

Dated: New York, New York
October 16, 2007


Deborah A. Batts
Deborah A. Batts
United States District Judge